

Message Text

UNCLASSIFIED

PAGE 01 BANGKO 13863 01 OF 03 160403Z
ACTION PM-05

INFO OCT-01 EA-12 ISO-00 L-03 AID-05 MCE-00 CIAE-00
INR-10 NSAE-00 EB-08 OMB-01 /045 W
-----109363 160623Z /13
R 160240Z MAY 78
FM AMEMBASSY BANGKOK
TO SECDEF WASHDC
SECSTATE WASHDC 4546

UNCLAS SECTION 1 OF 3 BANGKOK 13863

E.O. 11652: N/A
TAGS: MARR, MASS, TH, US
SUBJ: PROPOSED MEMO OF UNDERSTANDING RE DESPOSAL OF
EXCESS PROPERTY IN THAILAND

THE FOLLOWING TEL FROM CHJUSMAGTHAI BANGKOK TH//MAGTJD//
SENT ACTION CINCPAC HONOLULU HI//J47//
INFO CDR PRDR PAC HONOLULU HI, AND CINCPAC HONOLULU HI//J73//
REPEATED FOR INFO

QUOTE
UNCLAS BANGKOK 13761/1666 MAY 78
SUBJ: PROPOSED MEMO OF UNDERSTANDING RE DISPOSAL OF EXCESS
PROPERTY IN THAILAND
A. CINCPAC MSG 302341Z NOV 77
B. CINCPAC MSG 110155Z FEB 78
1. REF A PROVIDED A DRAFT MOU RE DISPOSAL OF EXCESS PROPERTY
IN THAILAND. REF B ADDRESSED THE CURRENCY EXCHANGE PROVISIONS
OF PARA 8N REF A.
2. REF A HAS BEEN REVIEWED BY JUSMAGTHAI AND THAI MINISTRY
OF DEFENSE (MOD) WITH NEGOTIATION STILL UNDERWAY FOR A
MUTUAL UNDERSTANDING. THE PURPOSE OF THIS MESSAGE IS TO
PROVIDE A STATUS ON THE PROPOSED CHANGES AND RATIONALE FOR CHANGES.
DURING THE WEEK OF 15-19 MAY, FURTHER DISCUSSION WITH MOD AND
THAI GOVERNMENT REPRESENTATIVE WILL TAKE PLACE IN ORDER TO
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BANGKO 13863 01 OF 03 160403Z

FINALIZE THE MOU.
3. REVISED DRAFT MEMORANDUM OF UNDERSTANDING: QUOTE
MEMORANDUM OF UNDERSTANDING
1. THIS UNDERSTANDING IS ENTERED INTO PURSUANT TO ARTICLE I
OF THE AGREEMENT RESPECTING MILITARY ASSISTANCE BETWEEN THE
GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THAILAND
OF 17 OCTOBER 1950, THE EXCHANGE OF NOTES ON MUTUAL SECURITY

OF 29 DECEMBER 1951, AND THE EXCHANGE OF NOTES ON MUTUAL DEFENSE ASSISTANCE AND DISPOSITION OF SUPPLUS EQUIPMENT AND MATERIALS OF 6 JULY 1955, BETWEEN THE JOINT UNITED STATES MILITARY ADVISORY GROUP, THAILAND (JUSMAGTHAI), AND THE ROYAL THAI ARMED FORCES (RTARF). THIS MEMORANDUM ESTABLISHES THE PROCEDURES AND ADMINISTRATIVE TASKING TO IMPLIMENT THE ABOBE AGREEMENTS FOR THE DISPOSAL OF US GOVERNMENT EXCESS PROPERTY IN THAILAND.

2. THIS MEMORANDUM APPLIES TO ALL US GOVERNMENT PROPERTY PROVIDED TO THE RTARF UNDER THE MILITARY ASSISTANCE PROGRAM (MAP) WHICH IS DECLARED BY THE RTARF AS EXCESS TO THE NEEDS OF RTARF AND IS DIRECTED BY THE COGNIZANT DEPARTMENT OF DEFENSE (DOD) SERVICES TO BE TURNED IN THROUGH JUSMAGTHAI FOR FINAL DISPOSITION.

3. THE RTARF WILL IDENTIFY US GOVERNMENT MAP PROPERTIES
DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

12 MAY 78

LAWRENCE L. BRUTON, CDR, USN, MAGTJD, 341
LOCATED IN THAILAND THAT ARE EXCESS TO THE NEEDS OF THE RTARF. A LIST OF THIS EXCESS PROPERTY WILL BE FURNISHED TO JUSMAGTHAI TO PERMIT VERIFICATION OF THE CONDITION OF THE PROPERTY, SCREENING AGAINST VALID IN-COUNTRY REQUIREMENTS AND SUBMISSION TO THE COGNIZANT DOD SERVICES FOR WORLDWIDE MAP SCREENING. JUSMAGTHAI WILL COORDINATE TURN-IN AND ACCOUNTABILITY OF DISPOSABLE US GOVERNMENT PROPERTY LOCATED IN THAILAND.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BANGKO 13863 01 OF 03 160403Z

4. MUNITIONS LIST ITEMS (MLI) WHICH REQUIRE DEMILITARIZATION MAY BE OFFERED TO RTARF FOR PURCHASE UNDER FOREIGN MILITARY SALES (FMS) PROCEDURES WHEN MAJOR ITEM EXCESS (MIMEX) PROGRAM AUTHORITIES ARE EXHAUSTED. FMS IS THE ONLY METHOD BY WHICH THE MLI DEMILITARIZATION REQUIREMENT CAN BE WAIVED WHEN EXCESS PROPERTY IS SOLD.

5. JUSMAGTHAI WILL TRANSMIT TO THE RTARF A LIST OF EXCESS US GOVERNMENT PROPERTY LOCATED IN THAILAND AVAILABLE FOR SALE NOT LESS THAN SIXTY (60) DAYS PRIOR TO THE INTENDED DATE OF A SALE. MLI APPEARING ON THIS LIST WILL REQUIRE DEMILITARIZATION. THE RTARF, OF ITS DESIGNATED AGENT, SHALL HAVE A RIGHT OF FIRST PRIORITY OF PURCHASE OF SUCH PROPERTY FOR USE BY THE RTARF OR THE ROYAL THAI GOVERNMENT AT SUCH PRICES AND TERMS AS MAY BE MUTUALLY AGREED ON BETWEEN THE RTARF AND JUSMAGTHAI.

DOANE M. WILSON, MAJ, MAGTJD PRM, 341

6. IT IS AGREED BY BOTH PARTIES IN EXCHANGE FOR THE RIGHT OF FIRST PRIORITY OF PURCHASE, RTARF AGREE:

A. THAT ITEMS OF US GOVERNMENT EXCESS PROPERTY SUBJECT TO DEMILITARIZATION AND OR SECURITY TRADE CONTROL PROCEDURES WILL BE USED EXCLUSIVELY BY AND FOR THE ROYAL THAI ARMED F
CES,

THE GOVERNMENT OF THAILAND OR ITS SUBORDINATE AGENCIES AND WILL NOT AT ANY FUTURE TIME, BE SOLD TO ANY OTHER NON-GOVERNMENTAL AGENCY OR ACTIVITY WITHOUT ADHERENCE TO FMS OR SECURITY TRADE CONTROL RESALE PROCEDURES AND THAT ALL OTHER ITEMS OF US GOVERNMENT EXCESS PROPERTY PURCHASED UNDER THIS AGREEMENT WILL BE USED EXCLUSIVELY BY AND FOR THE RTARF, THE GOVERNMENT OF THAILAND OR ITS SUBORDINATE AGENCIES BUT MAY WITH CONSENT OF THE US GOVERNMENT AT ANY FUTURE TIME, BE SOLD TO ANY OTHER NON-GOVERNMENT AGENCY OR ACTIVITY: WHEN SUCH ITEMS CANNOT FURTHER BE USED FOR THE PURPOSES AS WHEN THEY WERE PURCHASED.

B. THE INTENDED END USE OF THE ITEMS TO BE PURCHASED SHALL BE CLEARLY DEFINED BY THE PURCHASER PRIOR TO CONSUMMATION OF SALE: AND
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 BANGKO 13863 01 OF 03 160403Z

C. IF PRICES FOR EXCESS US GOVERNMENT PROPERTY CANNOT BE MUTUALLY AGREED UPON BETWEEN THE RTARF AND JUSMAGTHAI WITHIN A TOTAL TIME OF FIFTY (50) DAYS FROM THE DATE OF DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

12 MAY 78

LAWRENCE L. BRUTON, CDR, USN, MAGTJD, 341

TRANSMISSION OF THE EXCESS US GOVERNMENT PROPERTY LIST TO THE RTARF, JUSMAGTHAI, FOR THE US GOVERNMENT, MAY SELL SUCH EXCESS PROPERTY LOCATED IN THAILAND ON A COMPETITIVE BASIS.

7. JUSMAGTHAI SHALL, IN EXCHANGE FOR THE AUTHORIZATION TO SELL SUCH EXCESS PROPERTY COMPETITIVELY IN THAILAND, INSURE THAT:

A. PROSPECTIVE BIDDERS AND PURCHASERS ARE NOTIFIED IN WRITING THAT THE PURCHASER MUST COMPLY WITH ALL ASPECTS OF THAI LAW, INCLUDING THE PAYMENT OF LOCAL TAXES, CUSTOMS DUTIES, BUSINESS TAX, AND STAMP DUTIES IF THE PROPERTY IS TO REMAIN IN THAILAND

B. EXCESS PROPERTY SOLD TO A SUCCESSFUL BIDDER FOR RETENTION IN THAILAND WILL ONLY BE RELEASED ON PRESENTATION OF A CUSTOMS PERMIT PROPERTY ISSUED BY THE GOVERNMENT OF THAILAND WITHIN THE SPECIFIED TIME OF REMOVAL LISTED IN THE SALES CATALOG:

C. A COPY OF ALL SALES AWARD DOCUMENTS (EXCEPT DIRECT SALES TO MEMBERS OF THE US MISSION OF PERSONAL USE ITEMS) WILL BE FURNISHED TO THE DESIGNATED THAI GOVERNMENT AGENCY

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 BANGKO 13863 02 OF 03 161434Z
ACTION PM-05

INFO OCT-01 EA-12 ISO-00 L-03 AID-05 MCE-00 CIAE-00

INR-10 NSAE-00 EB-08 OMB-01 /045 W

-----112862 161439Z /47/13

R 160240Z MAY 78

FM AMEMBASSY BANGKOK

TO SECDEF WASHDC

SECSTATE WASHDC 4547

UNCLAS SECTION 2 OF 3 BANGKOK 13863

C O R R E C T E D C O P Y (TEXT)

TO FACILITATE COLLECTION OF TAXES AND CUSTOMS DUTIES BY
THAI AUTHORITIES;

DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

LAWRENCE L. BRUTON, CDR, USN, MAGTJD, 341

D. US GOVERNMENT OFFICIALS WILL BE RESPONSIBLE FOR THE
INSPECTION OF PROPERTY TO DETERMINE ITS TRUE CONDITION,
PREPARATION OF SALES DATA AND THE DETERMINATION OF THE
APPROPRIATE METHOD TO PROPERLY DEMILITARIZE MLI, INCLUDING
EXECUTION OF THE DEMILITARIZATION CERTIFICATE;

E. US GOVERNMENT OFFICIALS ARE RESPONSIBLE FOR PROGRAMMING
THE SALES, THE DISTRIBUTION OF THE SALES CATALOGS AND THE
EXECUTION OF SALES CONTRACTS CONCERNING EXCESS ITEMS;

F. NO ITEMS OF EXCESS PROPERTY LISTED FOR SLAE WILL BE
SOLE FOR RETENTION IN THAILAND THROUGH COMMERCIAL MEANS
WHEN JUSMAGTHAI HAS BEEN NOTIFIED PRIOR TO SUCH PROPOSED
SALES THAT THE PURCHASE OR POSSESSION BY THE CIVISIAN
POPULATION OF THOSE ITEMS IS FOR SECURITY OR OTHER REASONS
SUBJECT TO RESTRICTION OR IS PROGIBITED FROM IMPORT BY THE
THAI GOVERNMENT;

G. A COPY OF THE AWARD DOCUMENT FOR THE SALE OF EXCESS
PROPERTY SOLD FOR EXPORT WILL BE FURNISHED TO THE RTARF;

H. ONLY THAI CURRENCY WILL BE ACCEPTED FOR EXCESS PROPERTY
ITEMS SOLD TO THAI CITIZENS FOR RESIDENTS OF THAILAND;

I. THE RTARF WILL BE FURNISHED, UPON REQUEST, A RECORD OF

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BANGKO 13863 02 OF 03 161434Z

DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

12 MAY 78

LAWRENCE L. BRUTON, CDR, MAGTJD, 341

SALES OF SCRAP MATERIAL (SUCH AS GARBAGE, KITCHEN WASTES,
AND, IF NOT USABLE IN THEIR PRESENT FORM, PACKING MATERIAL,
EMPTY TIN CANS, AND RAGS) THAT WILL BE SOLD DIRECTLY AND
NOT SUBJECT TO THE OTHER PROCEDURAL REQUIREMENTS SET FORTH

IN THIS MEMORANDUM. RECORDS OF SUCH SALES WILL NORMALLY BE RETAINED FOR A PERIOD OF ONE (1) YEAR NY JUSMAGTHAI; AND J. A NOTICE OF ANY PROPERTY OF SCRAP WITHOUT ECONOMIC SALES VALUE DONATED WITHIN THAILAND WILL BE FURNISHED TO THE RTARF, AND SHAL INCLUDE:

- (1) THE ORGANIZATION REQUESTING THE DONATION;
- (2) NAME AND ADDRESS OF DONEE;
- (3) LIST OF PROPERTY REQUESTED;
- (4) COPY OF WRITTEN REQUEST FROM DONEE STATING THE ACTIVITY'S INTENDED USE OF THE REQUESTED PROPERTY AND A STATEMENT THAT THE PROPERTY WILL NOT BE RESOLD, TRADED OR PUT TO ANY OTHER USE OTHER THAN THAT STATED WITHOUT THE APPROVAL OF RTARF.

8. THE RTARF, IN EXCHANGE FOR RIGHT OF FIRST PRIORITY OF PURCHASE OF US GOVERNMENT EXCESS PROPERTY, SHALL INSURE THAT:

A. US GOVERNMENT PROPERTY MAY BE DIPOSED OF AT ITS PRESENT LOCATION OR AT A DESIGNATED INSTALLATION OF THE RTARF IF IT IS DETERMINED BY JUSMAGTHAI AFTER CONSULTATION WITH RTARF TO DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

12 MAY 78

LAWRENCE L. BRUTON, CDR, MAGTJA, 341

BE ECONOMICALLY DISPOSABLE AT THE DESIGNATED LOCATION;

B. WILL PROVIDE READY ACCESS AND ESCORT AT THE DESIGNATED LOCATION FOR JUSMAGTHAI PERSONNEL AND PROSPECTIVE BIDDERS FOR PURPOSES OF DISPOSAL OF SAID EQUIPMENT;

C. THAT EXCESS US GOVERNMENT PROPERTY DESIGNATED FOR SALE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BANGKO 13863 02 OF 03 161434Z

WILL BE SEPARATED FROM ANY OTHER PROPERTY TO EXPEDITE IDENTIFICATION AND LOADING OF SUCH PROPERTY AND WILL PROVIDE KNOWLEDGABLE PERSONNEL TO ASSIST JUSMAGTHAI PERSONNEL IN IDENTIFYING US GOVERNMENT PROPERTY;

D. THAT JUSMAGTHAI WILL BE PROVIDED, AT NO COST, PROTECTION FOR SUCH PROPERTY TO INCLUDE SECURITY, CARE AND STORAGE, AND RTARF WILL FURNISH RESPONSIBLE PERSONNEL AUTHORIZED TO RELEASE PROPERTY ON APPROVED TRANSFER OR SALES DOCUMENTS;

E. JUSMAGTHAI IS PROVIDED, WITHOUT COST, SURVEILANCE AND CONTROL OVER DEMILITARIZATION OF PROPERTY. DEMILITARIZED PROPERTY WILL NOT BE RELEASED TO PURCHASERS UNTIL INSPECTED AND CERTIFIED BY JUSMAGTHAI PERSONNEL;

F. THAT LOADING OF PROPERTY SOLD ONTO THE CONTRACTOR'S CONVEYANCE IS TO BE PERFORMED WITHOUT COST TO THE US GOVERNMENT;

G. JUSMAGTHAI, UNITED STATES GOVERNMENT, OR ANY OF ITS AGENCIES WILL NOT BE HELD RESPONSIBLE FOR THE COLLECTION DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

12 MAY 78

LAWRENCE L. BRUTON, CDR, MAGTJD, 341

OR PAYMENT OF ANY TAXES, DUTIES, OR OTHER LEVIES ON EXCESS US GOVERNMENT PROPERTY SOLD IN THAILAND;

H. SALE OF US GOVERNMENT EXCESS PROPERTY IN THAILAND WILL NOT BE SUBJECT TO THAI LAW EXCEPT AS MAY BE PROVIDED FOR IN THIS UNDERSTANDING;

I. JUSMAGTHAI IS ADVISED OF ANY ITEMS ON A PROPOSED LIST OF US GOVERNMENT EXCESS PROPERTY TO BE SOLD THAT MAY BE SUBJECT TO ANY RESTRICTIONS OR PROHIBITION FROM IMPORT BY THE ROYAL THAI GOVERNMENT;

J. EXCESS PROERTY INTENDED FOR SALE THAT MAY BE RESTRICTED FROM IMPORT INTO THAILAND MAY BE EXPORTED BY JUSMAGTHAI FROM THAILAND WITHOUT RESTRICTION;

K. EXAMINATION AND CERTIFICATION FOR EXPORT IS PROVIDED WITHIN FORTY FIVE (45) DAYS AFTER BEING NOTIFIED OF ANY EXCESS US GOVERNMENT PROPERTY THAT WILL BE EXPORTED BY JUSMAGTHAI OR A FOREIGN PURCHASER;
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 BANGKO 13863 02 OF 03 161434Z

L. THAT ANY EXCESS PROPERTY OFFERED FOR SALE BY JUSMAGTHAI WHICH IS PURCHASED SOLELY FOR EXPORT IS NOT SUBJECT TO CUSTOMS DUTIES, TAXES, OR ANY OTHER RESTRICTIONS BY THE GOVERNMENT OF THAILAND PROVIDED THE EXPORTATION IS TO BE PERFORMED BY OR ON BEHALF OF JUSMAGTHAI.

M. THAT THAI CURRENCY OBTAINED FROM THE SALES OF US GOVERNMENT EXCESS PROPERTY WITHIN THAILAND SHALL BE FREELY USABLE FOR ANY AND ALL US GOVERNMENT EXPENDITURES IN THAILAND;
DOANE M. WILSON, MAJ, MAGTJD-PRM, 341

LAWRENCE L. BRUTON, CDR, MAGTJD

N. JUSMAGTHAI MAY ACCEPT PAYMENT IN ANY CURRENCY FROM FOREIGN PURCHASERS AND ANY CURRENCIES DERIVED FROM THE SALES OF SUCH PROPERTY MAY BE FREELY EXPORTED AT DISCRITION OF JUSMAGTHAI;

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 BANGKO 13863 03 OF 03 160546Z
ACTION PM-05

INFO OCT-01 EA-12 ISO-00 L-03 AID-05 MCE-00 CIAE-00

INR-10 NSAE-00 EB-08 OMB-01 /045 W

-----109694 160622Z /13

R 160240Z MAY 78

FM AMEMBASSY BANGKOK
TO SECDEF WASHDC

SECSTATE WASHDC 4548

UNCLAS SECTION 3 OF 3 BANGKOK 13863

O. THE SALE OF ANY SCRAP MATERIALS DESIGNATED IN PARAGRAPH 71 ABOVE ARE NOT SUBJECT TO ANY CUSTOMS DUTIES OR TAXES;

P. THAT JSUMAGTHAI MAY REOFFER FOR SALE ANY ARTICLES ON WHICH A BUYER DEFAULTS OR FOR WHICH NO ACCEPTABLE BIDS WERE RECEIVED;

Q. JUSMAGTHAI IS PERMITTED TO ABANDON, DESTROY OR DONATE ANY OTHER EXCESS PROPERTY OR SCRAP HAVING NO ECONOMICAL RESALE VALUE AFTER NOTIFYING AND CONSULTING WITH THE RTARF OF SUCH INTENT.

9. THIS MEMORANDUM SHALL ENTER INTO EFFECT ON THE DATE OF THE SIGNATURE OF BOTH PARTIES AND WILL CONTINUE IN EFFECT UNTIL NINETY (90) DAYS AFTER EITHER OF THE PARTIES GIVES NOTICE, IN WRITING, OF THE INTENT OF SUCH INTENT.

TO TERMINATE SAID MEMORANDUM. THIS MEMORANDUM MAY BE AMENDED AT ANY TIME BY MUTUAL AGREEMENT OF BOTH PARTIES.

10. DONE IN DUPLICATE IN THE ENGLISH AND THAI LANGUAGE, THE TWO TEXTS HAVING EQUAL AUTHORITY, AT BANGKOK,

THISDAY OF19.....

UNQUOTE.

UNQUOTE - END OF MEMORANDUM OF UNDERSTANDING.

4. THE CHANGES TO THE MOU ARE SUMMARIZED AS FOLLOWS;

A. PARA 1 "AGREEMENT RESPECTING MILITARY ASSISTANCE BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THAILAND" VICE "MILITARY ASSISTANCE AGREEMENT BETWEEN USA AND GOT" REASON: NEW WORDING REFLECTS THE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BANGKO 13863 03 OF 03 160546Z

OFFICIAL TITLE OF THE AGREEMENT.

B. NO CHANGES TO PARAGRAPHS 2, 3, AND 4.

C. PARA 5 FIRST SENTENCE SIXTY (60) DAYS VICE THIRTY (30) DAYS. REASON: THAI ORGANIZATIONS COULD NOT RESPOND WITHIN THE PERIOD OF TIME STIPULATED. THIRD SENTENCE: ADD THE WORD "FIRST" FOLLOWING "RIGHT OF" REASON: CONSISTENCY OF LANGUAGE.

D. PARA 6 FIRST SENTENCE. ADD THE WORD "FIRST" FOLLOWING "RIGHT OF" REASON: CONSISTENCY OF LANGUAGE.

PARA 6A ADD "AND THAT ALL OTHER ITEMS OF US GOVERNMENT EXCESS PROPERTY PURCHASED UNDER THIS AGREEMENT WILL BE USED EXCLUSIVELY BY AND FOR THE RTARF, THE GOVERNMENT OF THAILAND OR ITS SUBORDINATE AGENCIES, BUT MAY WITH CONSENT OF THE US GOVERNMENT AT ANY FUTURE TIME, BE SOLD TO ANY OTHER NON-GOVERNMENT AGENCY OR ACTIVITY WHEN SUCH ITEMS CANNOT FURTHER BE USED FOR THE PURPOSES AS WHEN THEY WERE PURCHASED. REASON: MOD REQUESTED THAT PROVISIONS PROHIBITING RESALE OF EXCESS PROPERTY PURCHASED BY THE GOT BE ELIMINATED SO THAT ITEMS WHICH ARE NO LONGER

USABLE COULD BE SOLD. IT WAS AGREED TO BY JUSMAGTHAI THAT BEFORE ANY ITEMS COULD BE SOLD BY THE GOT APPROVAL WAS REQUIRED FROM THE US GOVERNMENT."

E. PARA 6C FIFTY (50) DAYS VICE TWENTY-FIVE (25) DAYS.

REASON: MOD REQUESTED ADDITIONAL TIME FOR CONSIDERATION.

F. PARA 7A DELETE: COMMODITY TAXES. ADD: BUSINESS TAX AND STAMP DUTIES. REASON: CLARIFICATION OF TAXES REQUIRED BY RTG.

G. PARA 7B DELETE: "IMPORT DUTY" ADD: "CUSTOMS PERMIT"

REASON: CLARIFICATION OF PERMIT.

H. PARA 8 ADD THE WORD "FIRST" FOLLOWING "RIGHT OF"

REASON: CONSISTENCY OF LANGUAGE.

I. PARA 8A ADD: AFTER THE WORD JUSMAGTHAI "AFTER CONSULTATION WITH RTARF" REASON: MOD REPRESENTATIVES UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BANGKO 13863 03 OF 03 160546Z

FELT THAT RTARF SHOULD BE CONSULTED RATHER THAN AT THE SOLE DISCRETION OF JUSMAGTHAI.

J. PARA 8H ADD: THE WORD "FOR" AFTER THE WORD "PROVIDED"

REASON: CLARIFICATION.

K. PARA 8J "RESTRICTED" VICE "PROHIBITED". REASON: MOD REPRESENTATIVE FELT THAT MORE ITEMS WERE INCLUDED UNDER THE "RESTRICTED" CATEGORY. "EXPORTED" VICE "SOLD". REASON: MOD RATIONALE WAS THAT ONLY JUSMAGTHAI HAD THE AUTHORITY TO EXPORT DUTY FREE AND, THEREFORE, MUST EXPORT ALL ITEMS PRIOR TO FINAL SALE TO FOREIGN BUYERS. MOD REPRESENTATIVES STATED THAT THEIR LAW DID NOT PERMIT ARTICLES PURCHASED UNDER THIS AGREEMENT WHICH WERE TO BE EXPORTED, THE RIGHT TO EXPORT DUTY FREE, AND ONLY JUSMAGTHAI WAS GRANTED THE AUTHORITY. JUSMAGTHAI REPRESENTATIVES STATED OBJECTION TO THIS PROVISION AND FURTHER DISCUSSION WAS REQUIRED.

L. PARA 8K FORTY FIVE (45) DAYS VICE TEN (10) DAYS.

REASON: MOD REPRESENTATIVES STATED THAT IT WOULD NOT BE POSSIBLE TO FURNISH SUCH CERTIFICATION WITHIN THE 10 DAY PERIOD.

M. PARA 8L ADD: AFTER THE WORD THAILAND "PROVIDED THE EXPORTATION IS TO BE PERFORMED BY OR ON BEHALF OF JUSMAGTHAI".

REASON: SAME RATIONALE AS PARA 3K ABOVE.

N. PARA 8O ADD: "THE SALE OF ANY SCRAP MATERIALS DESIGNATED IN PARAGRAPH 71 ABOVE ARE NOT SUBJECT TO ANY CUSTOM DUTIES OR TAXES". REASON: CLARIFICATION OF CUSTOM DUTIES AND TAX EXEMPTIONS.

O. PARA Q ADD AFTER THE WORD NOTIFYING: "AND CONSULTING WITH THE RTARF". REASON: MOD REPRESENTATIVES REQUESTED A CHANGE TO REFLECT THAT IN ADDITION TO NOTIFYING THAI AUTHORITIES ON THE INTENT TO ABANDON, DESTROY OR DONATE OTHER PROPERTY OR SCRAP HAVING NO VALUE, THAT APPROVAL MUST BE RECEIVED FROM THE GOT PRIOR TO SUCH ACTION. JUSMAGTHAI RESPONDED THAT THERE MIGHT BE MAJOR OBJECTION TO SUCH APPROVAL

5. THE MAIN POINT OF CONTENTION IS PARA 8J CONCERNING THE EXPORT
PROVISION WHEREBY ONLY JUSMAGTHAI HAS THE AUTHORITY TO EXPORT DUTY
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 BANGKO 13863 03 OF 03 160546Z

FREE ON BEHALF OF THE BUYER. MOD REPRESENTATIVES WERE REQUESTED TO
PROVIDE DOCUMENTATION WHICH RESTRICTS THE RTG FROM AUTHORIZING BUYERS
EXEMPTION TO THIS PROVISION. FURTHER DISCUSSIONS ARE PLANNED WITH
MOD REPRESENTATIVES ADDRESSING THIS AREA.

6. REQUEST YOUR APPROVAL AND OR GUIDANCE TO THESE CHANGES.

UNQUOTE

WHITEHOUSE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEMORANDUM OF UNDERSTANDING, SURPLUS PROPERTY, MILITARY ASSISTANCE PROGRAMS, STOCKPILE DISPOSAL
Control Number: n/a
Copy: SINGLE
Draft Date: 16 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BANGKO13863
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780206-0134
Format: TEL
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780556/aaaabvhr.tel
Line Count: 455
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d75bc19c-c288-dd11-92da-001cc4696bcc
Office: ACTION PM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2683719
Secure: OPEN
Status: NATIVE
Subject: PROPOSED MEMO OF UNDERSTANDING RE DESPOSAL OF EXCESS PROPERTY IN THAILAND THE FOLLOWING TEL FROM CHJUSMAGTHAI BANGKOK TH//MA
TAGS: MARR, MASS, TH, US
To: DOD STATE
Type: TE
vdkgvwkey: odbcr//SAS/SAS.dbo.SAS_Docs/d75bc19c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014